

OFFICE OF THE CLERK
UNITED STATES
BANKRUPTCY APPELLATE PANEL
FOR THE FIRST CIRCUIT

MARY P. SHARON,
CLERK

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OPENING LETTER

Debtors: Wilfredo De Jesus Rivera and Sonia M. Hernandez Melendez

Appellant: General Electric Capital Corporation of Puerto Rico

BAP No.: PR 09-015

BK Case No: 00-00801-GAC

Adversary Proceeding No: 04-00165-GAC

The United States Bankruptcy Appellate Panel for the First Circuit (the "Panel") has received a Notice of Appeal in the above-entitled case. The number in bold print is the case number for this appeal.

INTRODUCTION TO THE PANEL

Pursuant to 28 U.S.C. § 158(b) and (c), as amended by the Bankruptcy Reform Act of 1994, the Panel decides appeals from judgments, orders and decrees of the United States Bankruptcy Courts in the First Circuit unless a party elects to have a United States District consider the appeal. The Panel consists of all of the bankruptcy judges from the First Circuit. Three of these judges will consider and decide each appeal except no judge can hear a case which originated from his or her own district.

Rules of Practice: Parts VIII and IX of the Federal Rules of Bankruptcy Procedure ("Fed. R. Bankr. P."), the Federal Rules of Appellate Procedure and the Panel's Local Rules ("1st Cir. BAP L.R.") govern practice before the BAP. The Local Rules are available at www.bap1.uscourts.gov.

RECORD ON APPEAL AND BRIEFING SCHEDULE

Record on Appeal: Within ten (10) days of filing the Notice of Appeal, the Appellant must file with the **United States Bankruptcy Court** a designation of the record, a statement of issues on appeal and a notice regarding the ordering of transcripts in compliance with Fed. R. Bankr. P. 8006. The Appellee(s) may also file a supplemental designation of the record. The Appellant must order and pay for all transcripts required for this appeal. When the record is complete, the Clerk of the United States Bankruptcy Court will certify the record to the Clerk of the Panel. The Clerk of the Panel will then docket the appeal.

Briefing Schedule: After receiving the certified record, the Clerk of the Panel will issue a briefing order setting forth deadlines and instructions regarding the filing of briefs. **Please note that the briefing deadlines are relatively short, and extensions of time must be requested by motion.** Failure to comply with these or other deadlines may result in dismissal of the case or loss of the right to be heard at oral argument.

ORAL ARGUMENT

Once briefing is complete, the Clerk of the Panel will set the appeal for hearing on the next available court calendar. Typically, the Clerk informs the parties of the date six weeks prior to the hearing. The Panel generally hears oral arguments in Boston, MA, for cases originating in Maine, New Hampshire, Massachusetts and Rhode Island, and in San Juan, PR, for cases originating in Puerto Rico. Depending upon the caseload, the BAP may conduct oral argument in the district where the appeal originated.

As provided in 1st Cir. BAP L.R. 8011-1(f) and 8012-1(b), the BAP may decide the appeal without oral argument or the parties may move or stipulate to submit the appeal on the briefs and record.

QUESTIONS

The Panel's web site, www.bap1.uscourts.gov, contains valuable information about the appeal process, including Frequently Asked Questions (FAQs) and two Appellate Guides (a Quick Reference chart and a more lengthy Practice Guide). If you require further assistance, please contact the Clerk's Office at: (617) 748-4774 between 8:30 a.m. and 5:00 p.m. Monday through Friday. Please note, however, that the Clerk's Office staff is prohibited from providing legal advice of any kind.

Mary P. Sharon,
Clerk of Court

CERTIFICATE OF MAILING

The undersigned, Deputy Clerk of the U.S. Bankruptcy Appellate Panel for the First Circuit, hereby certifies that a copy of this document was mailed this date to all interested parties as designated by the Appellant in the Notice of Appeal.

/s/ Ann M. Williams
Case Manager, U.S. Bankruptcy
Appellate Panel for the First Circuit

cc: [SERVICE LIST]

09-15

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